

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:15-cv-120-RJC-DSC**

<b>SHARON THOMAS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>STATE OF NORTH CAROLINA, UNC</b>	)	<b><u>ORDER</u></b>
<b>HEALTHCARE SYSTEM SERVICES,</b>	)	
<b>LLC, UNC SCHOOL OF MEDICINE,</b>	)	
<b>ZACONJIA C. TITUS, ORANGE</b>	)	
<b>COUNTY GOVERNMENT, DENISE</b>	)	
<b>SHAFFER, DUSTON LOWELL,</b>	)	
<b>VANGUARD PROFESSIONAL</b>	)	
<b>STAFFING, SUSAN BOYETTE, and</b>	)	
<b>ORANGE COUNTY DEPARTMENT</b>	)	
<b>OF SOCIAL SERVICES,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** comes before the Court on Defendants Vanguard Professional Staffing and Susan Boyette's Motion to Dismiss Plaintiff's Amended Complaint, (Doc. No. 37); Defendants Orange County Government, Orange County Department of Social Services, Dustin Lowell, and Denise Shaffer's Motion to Dismiss Plaintiff's Amended Complaint, (Doc. No. 38); The State of North Carolina's Motion to Dismiss, (Doc. No. 44); Plaintiff's Motion to Stay of All Civil Claims and Proceedings, (Doc. No. 51); Plaintiff's Continued Motion for Stay of All Civil Claims and Proceedings, (Doc. No. 54); the Magistrate Judge's Memorandum and Recommendation ("M&R"), (Doc. No. 59); and Plaintiff's Motion for Voluntary Dismissal, (Doc. No. 62).

In lieu of filing objections to the M&R, Plaintiff has filed her Motion for Voluntary

Dismissal under Federal Rule of Civil Procedure 41. Although filed as a motion, the Court interprets this document as a notice of dismissal pursuant to Rule 41(a)(1)(A). If a plaintiff files a notice of dismissal before the adverse party serves it with “an answer or a motion for summary judgment,” the dismissal is available as a matter of unconditional right. Fed. R. Civ. P. 41(a)(1)(A)(i); Marex Titanic, Inc. v. Wrecked & Abandoned Vessel, 2 F.3d 544, 546 (4th Cir. 1993). No defendant has filed an answer or motion for summary judgment in this case; therefore, Plaintiff’s Motion for Voluntary Dismissal must be **granted**.

**IT IS, THEREFORE, ORDERED** that:

1. Defendants Vanguard Professional Staffing and Susan Boyette’s Motion to Dismiss Plaintiff’s Amended Complaint, (Doc. No. 37), is **DISMISSED as moot**.
2. Defendants Orange County Government, Orange County Department of Social Services, Dustin Lowell, and Denise Shaffer’s Motion to Dismiss Plaintiff’s Amended Complaint, (Doc. No. 38), is **DISMISSED as moot**.
3. The State of North Carolina’s Motion to Dismiss, (Doc. No. 44), is **DISMISSED as moot**.
4. Plaintiff’s Motion to Stay of All Civil Claims and Proceedings, (Doc. No. 51), is **DISMISSED as moot**.
5. Plaintiff’s Continued Motion for Stay of All Civil Claims and Proceedings, (Doc. No. 54), is **DISMISSED as moot**.
6. The Magistrate Judge’s Memorandum and Recommendation, (Doc. No. 59), is **TERMINATED as moot**.
7. Plaintiff’s Motion for Voluntary Dismissal, (Doc. No. 62), is **GRANTED**, and this action is **DISMISSED without prejudice**.

8. The Clerk of Court is directed to close this case.

Signed: March 29, 2016

Robert J. Conrad Jr.

Robert J. Conrad, Jr.  
United States District Judge

